

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

CERTAIN PERSONAL WATERCRAFT
AND COMPONENTS THEREOF

Inv. No. 337-TA-452

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION TO WITHDRAW ONE PATENT AND
CERTAIN CLAIMS AT ISSUE IN TWO OTHER PATENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a motion to withdraw U.S. Letters Patent 5,752,867, claims 1-3 of U.S. Letters Patent No. 5,490,474, and claims 1-3, and 5 of U.S. Letters Patent 4,949,684 from the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at

<http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION:

The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain personal watercraft and components thereof on March 9, 2001, based on a complaint filed by Yamaha Hatsudoki Kabushiki Kaisha, dba Yamaha Motor Company, Ltd., and Sanshin Kogyo Kabushiki Kaisha, dba Sanshin Industries, Ltd. (collectively, “Yamaha”) of Japan. 66 *Fed. Reg.* 14937. The respondents are Bombardier, Inc. of Canada and Bombardier Motor Corporation of America of Wausau, Wisconsin (collectively “Bombardier”). Yamaha’s complaint alleges that Bombardier’s products infringe claims of 11 patents held by Yamaha.

On December 3, 2001, complainant Yamaha moved pursuant to Commission rules 210.14 and 210.15 to withdraw U.S. Letters Patent 5,752,867, claims 1-3 of U.S. Letters Patent No. 5,490,474, and claims 1-3, and 5 of U.S. Letters Patent 4,949,684 from the above-captioned investigation. Bombardier and the Commission investigative attorney did not oppose the motion.

On December 5, 2001, the ALJ issued an ID (Order No. 90) granting the motion. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42 of Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.42.

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: December 27, 2001